



J. Craig Whitley
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

ADVERSARY NO. 07-03019

IN RE:)	
)	
JOSEPH GREGORY JEMSEK)	
)	
_____)	
)	CASE NO. 06-31986
Joseph Stanly Jabkiewicz)	
)	CHAPTER 11
Plaintiff)	
v.)	
)	
Joseph G. Jemsek, M.D. et al.)	
)	
Defendants)	

**EX-PARTE ORDER REMANDING CASE TO STATE COURT FOR APPROVAL
OF SETTLEMENT**

This matter is on upon the Plaintiff's and Defendant's motion before this Court to remand this case to Mecklenburg County Superior Court for the approval of a settlement of the underlying case. The Court finds the following:

1. This Debtor filed his voluntary petition for relief pursuant to Chapter 11 of the United States Bankruptcy Code on November 20, 2006.

2. On the Petition Date, a civil suit was pending against the Debtor in Mecklenburg County Superior court captioned *Joseph Stanly Jabkiewicz Administrator of the Estate of Kathleen Marie Jabkiewicz , and Joseph Stanly Jabkiewicz, Individually and as Guardian ad litem for minors Matthew Joseph Jabkiewicz and Michael Steven Jabkiewicz v. Joseph G. Jemsek,*

M.D., Christie Roeske, R.N.P., and The Jemsek Clinic, P.A., case number 05-CVS-1118 (the "Jabkiewicz Suit).

3. The Jabkiewicz Suit was removed to this court pursuant to 28 U.S.C. Section 1452 and Fed. R. Bankr. P. 9027 initiating the Adversary Proceeding.

4. This Court has jurisdiction over this Adversary Proceeding pursuant to 28 U.S.C. Section 157(c) and 1334 (b) because the Adversary Proceeding is either core and /or related to a case under title 11. Sections 157(c); 1334(b).

5. A Report and Recommendation regarding Plaintiff's Motion for Relief from Stay; Motion for Mandatory or Discretionary Abstention; Motion for Remand; Motion for Withdrawal of Reference was filed in this Court on May 3, 2007.

6. An Order Adopting Report and Recommendation of Bankruptcy Court was entered by the United States District Court on May 7, 2007 allowing the Bankruptcy Court to handle all pre-trial matters in this proceeding.

7. The parties have reached a confidential settlement of the Jabkiewicz Suit and have consented to have this proceeding remanded to Mecklenburg County Superior Court for the approval of the settlement between the parties.

8. The settlement will be paid by the Debtor's insurance liability carrier and not from Estate assets. Accordingly, no Estate assets are implicated by this settlement of the Jabkiewicz Suit.

IT IS THEREFORE ORDERED ADJUDGE AND DECREED that this proceeding is remanded to Mecklenburg County Superior Court for the approval of the settlement in the Jabkiewicz Suit.

This Order has been signed electronically. The Judge's signature and court's seal appear at the top of the Order.

United States Bankruptcy Court